IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4340 OF 2003.

IN

FIRST APPEAL ST.NO. 39738 OF 2003.

Mr. Abhay H.Sancheti. ... Applicant.

V/s.

Mr.Baban Padu Daswant & Anr.... Respondents.

Mr. Amol B. Patil, advocate for the applicant.

None for resondents.

CORAM : S.B.MHASE &
D.B.BHOSALE,JJ

DATE: JANUARY 10, 2005.

P.C. :

1. We have passed an order on 18.10.2004 calling upon an explanation from the subordinate court to the effect as to why notice issued on 19/12/2003 is not served and report in that regard has not been submitted to this Court. Today, we have found an endorsement on farad that the respondents no.1 and 2 are served and further note is that since respondent No.2 is duly served, the explanation not called for. Therefore, we perused the record and we found that the respondent No.1 is served on 21/1/2004 and the respondent No.2 is served on 4/2/2004. That means on the day we have passed an order, both the respondents were served. However, the office have not annexed that record to the proceedings and have listed the matter for

order. This shows that fault was not of the subordinate court but it was of the office who has not looked after the matter. The Registrar(Judicial) is directed to obtain explanation of the concerned and take appropriate action.

2. We express our displeasure in not following order of this court and instead of making note like the note in the present matter which, in fact, is none of the business of the office, it is contempt of Court. But this being first instance we are not initiating any proceedings against the concerned.

3. Heard. This is an application for condonation of delay in filing first appeal. We have perused the application. Delay is well explained. Delay in filing appeal is hereby condoned. Application is disposed of accordingly.

(D.B.BHOSALE,J) **(S.B.MHASE,J)**

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